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NETAPP, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

NETWORK APPLIANCE, INC.

Plaintiff-Counterclaim Defendant,

v.

SUN MICROSYSTEMS, INC.

Defendant-Counterclaim Plaintiff.

Case No. 3:07-CV-06053-EDL

**STIPULATION AND [~~PROPOSED~~] ORDER
EXTENDING DISCOVERY DEADLINE FOR
PATENTS NOT SELECTED FOR CLAIM
CONSTRUCTION**

As reflected in the parties' June 16, 2008 Joint Report on Claim Construction (Docket No. 79), the Court directed the parties to select three asserted NetApp patents and five asserted Sun patents for claim construction at this stage of the case. In light of this, the parties agree that the fact discovery deadline (and all dates triggered therefrom) for non-selected patents, which are not proceeding through claim construction at this stage, should be vacated. Accordingly, the parties hereby stipulate to and jointly request that the Court vacate the January 16, 2009 deadline for fact discovery with respect to the following patents-in-suit: U.S. Patent Nos. 7,174,352, 7,162,486, 7,133,964, 5,403,639, 5,410,667, 5,761,662, 5,941,954, 6,356,984, 6,591,303, 6,983,343, and 6,581,185.

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2 Dated: September 4, 2008

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25 **[PROPOSED] ORDER**

26 Having considered the parties' stipulation, the joint request for relief is **GRANTED**. The
27 January 16, 2009 deadline for fact discovery (and all dates triggered therefrom) is hereby vacated
28 with respect to the following patents-in-suit: U.S. Patent Nos. 7,174,352, 7,162,486, 7,133,964,
5,403,639, 5,410,667, 5,761,662, 5,941,954, 6,356,984, 6,591,303, 6,983,343, and 6,581,185.

29 **IT IS SO ORDERED.**

30 Dated: September 5, 2008

